BILL NO. S-80-03-30

SPECIAL ORDINANCE NO. S-33-80

AN ORDINANCE approving a contract for Street Light Resolution No. 138-79, between the City of Fort Wayne, Indiana and T & F Construction Corporation for installation of street lighting with underground wiring.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, dated March 13, 1980, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and T & F Construction Corporation, for:

the installation of street lighting with underground wiring on Schaper Drive, from Maple Grove Avenue to Woodsdale.

under Board of Public Works Street Light Resolution No. 138-79, at a total cost of $10,628.00, all as more particularly set forth in said contract which is on file in the office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Samuel J. Talarico
Councilman

APPROVED AS TO FORM AND LEGALITY MARCH , 1980.

John E. Hoffman
JOHN E. HOFFMAN
City Attorney

Read the first time in full and on motion by Talarico, seconded by Eisbart, and duly adopted, read the second time by title and referred to the Committee Rules (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock ___ M.,E.S.T.

DATE: 3-25-80

Charles W. Westerman
CHARLES W. WESTERMAN
CITY CLERK

Read the third time in full and on motion by Talarico, seconded by Burns, and duly adopted, placed on its passage. PASSED (~~LOST~~) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	9	0			
BURNS	✓				
EISBART	✓				
GiaQUINTA	✓				
NUCKOLS	✓				
SCHMIDT, D.	✓				
SCHMIDT, V.	✓				
SCHOMBURG	✓				
STIER	✓				
TALARICO	✓				

DATE: 4-8-80

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (~~ZONING MAP~~) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (~~RESOLUTION~~) No. G-33-80

on the 8th day of April, 19 80.

ATTEST: (SEAL)

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Vivian G. Schmidt
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of April, 19 80, at the hour of 11:30 o'clock A. M.,E.S.T.

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this 9th day of April 19 80, at the hour of 4 o'clock P M.,E.S.T.

WINFIELD C. MOSES, JR.
MAYOR

BILL NO. S-80-03-30

REPORT OF THE COMMITTEE ON PUBLIC WORKS

WE, YOUR COMMITTEE ON PUBLIC WORKS TO WHOM WAS REFERRED AN ORDINANCE approving a contract for Street Light Resolution No. 138-79, between the City of Fort Wayne, Indiana and T & F Construction Corporation for installation of street lighting with underground wiring

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE DO PASS.

SAMUEL J. TALARICO, CHAIRMAN

PAUL M. BURNS, VICE CHAIRMAN

JOHN NUCKOLS

MARK GiaQUINTA

ROY SCHOMBURG

4-8-80

DATE

CONCURRED IN

CHARLES W. WESTERMAN, CITY CLERK

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

board of public works

February 15, 1980

The Common Council
Fort Wayne, Indiana

Gentlemen and Mrs. Schmidt:

On Wednesday, February 13, 1980, bids were received by the Board of Works for the installation of ornamental street lighting on Schaper Drive, from Maple Grove Avenue to Woodsdale, under Street Lighting Resolution No. 138-79. The low bidder for the project was T & F Construction Corporation of Indiana, in the amount of $18,181.86. Therefore, the Board of Works will award the Contract for said project to T & F, Tuesday, February 19, 1980.

Contractor has advised the Board they will have completed all work presently under construction by February 22. Therefore, installation of the above street lighting may begin on the 25th with Council's approval. Therefore, Board of Works respectfully requests "Prior Approval" so that the Schaper Drive Street Lighting Project may proceed as scheduled.

Special Ordinance for formal approval will be submitted in the very near future.

Sincerely,

BOARD OF PUBLIC WORKS

MARK L. AKERS, CHAIRMAN

CITY OF FORT WAYNE

Win Moses Jr. (MC)

WIN MOSES, JR., MAYOR

ep

APPROVED:

MEMBERS OF THE COMMON COUNCIL

ATTEST:

CHARLES W. WESTERMAN, CLERK

PROJECT SCHAPER DRIVE — BID ANALYSIS SHEET — OFFICE OF CITY

DATE Feb. 12, 1980 — RES. NO. 138-79 — MATERIAL — FORT WAYNE INDIA

CONTRACTORS

STREET LIGHTING - MATERIAL COST JAN. UNIT		MATERIAL	ESTIMATE	EXTENSION	T & F Const. Corp. UNIT BID	T & F Const. Corp. TOTAL BID	Biggs Electric Const. UNIT BID	Biggs Electric Const. TOTAL BID	N.G. Gilbert UNIT BID	N.G. Gilbert TOTAL BID	UNIT BID	TOTAL BID
7 ea.		Install 16' black aluminum pole 4' deep w/poleset	65.00	1,105.00	66.00	1,122.00	125.00	2,125.00	63.00	1,071.00		
ea.		Install TC 100R luminaire & lamp	35.00	595.00	33.00	561.00	40.00	680.00	42.75	726.75		
50 L.F.		Trenching - 20" deep	1.75	2,187.50	2.00	2,500.00	1.60	2,000.00	1.90	2,375.00		
0 F		Bore or push 1 1/2" pvc tubing under streets, drives, walks, trees	6.00	4,300.00	6.00	4,800.00	5.50	4,400.00	7.50	6,000.00		
		ect...										
50 F.		Fine grading, seeding & mulch	0.40	500.00	0.46	575.00	0.40	500.00	1.00	1,250.00		
1 ea.		Install 10' riser	50.00	50.00	50.00	50.00	75.00	75.00	37.25	37.25		
25 L.F.		Install 2/C and/or 1/C #4 aluminum wire in trench or conduit.	0.50	1,062.50	0.48	1,020.00	0.70	1,487.50	0.60	1,275.00		
		BID TOTAL CONTRACT		$10,300.00		$ 10,628.00		$ 11,267.50		$ 12,735.00		
		Materials(City furnished)		$ 5,635.84		$ 5,635.84		5,635.84		5,635.84		
		Engineering & Inspection		1,593.58		1,593.58		1,593.58		1,593.58		
		Labor by City Forces		284.44		284.44		284.44		284.44		
		Advertising		40.00		40.00		40.00		40.00		
		Total Contract		17,853.86		$ 18,181.86		18,821.36		20,288.86		
		% OVER/UNDER				+ 1.83%		+5.42%		+13.6%		

68-227-4 3/13/80

CONTRACT
Res. No. 138-79

STATE OF INDIANA)
) SS
COUNTY OF ALLEN)

THIS AGREEMENT made and entered into this, the 13th day of March 1980, by and between:

City of Fort Wayne

The party of the first part, termed in this agreement and the Contract Documents as the "Purchaser," and

T & F Construction

The part of the second part, termed in this agreement and the Contract Documents as the "Contractor":

WITHESSETH:

THAT, WHEREAS, the Board of Public Works has heretofore caused to be prepared certain contract documents for furnishing labor and equipment and performing work therein fully described, and the Contractor did, on the 13th day of Feb. 1980, file with the Board of Public Works, a copy of said contract documents, together with his offer and terms therein fully stated and set forth, and,

WHEREAS, the said contract documents accurately and fully describe the terms and conditions upon which the Contractor is willing to furnish the labor and equipment and perform the work called for by the said contract documents and in the manner and time of furnishing and performing same.

IT IS THEREFORE, AGREED:

FIRST - That a copy of said contract documents filed as aforesaid be attached hereto and that the same do in all particulars become the agreement and contract between the parties hereto in all matters and things set forth therein and described, and further, that both parties hereby accept and agree to the terms and conditions of said contract documents so filed, for the following:

Installation of street lighting with underground wiring

on Schaper Drive for the bid of $10,628.00.

SECOND - The Contract Documents hereto annexed are made a part of this agreement and contract as fully and as absolutely as if herein set out verbatim.

This contract consists of the following component parts all of which are as fully a part of this contract as if herein set out verbatim, or if not attached, as if hereto attached:

1. Advertisement for bids
2. Instructions to bidders
3. Specifications and special provisions
4. Detailed specifications and addendum
5. Construction drawings
6. Application for cut permits into Fort Wayne streets, county roads and/or State Highways.
7. Street barricade maintenance information
8. Contractor's bid
9. Material list
10. Bidder's Bond
11. Non-Collusion Affidavit
12. Certificate in lieu of financial statement
13. Certificate in lieu of Equal Employment Statement and Affirmative Action Program
14. Equal Opportunity Clause
15. State Prevailing Wage Scale
16. This Contract
17. Performance Bond

In the event that any provisions in any of the above component parts of this contract conflicts with any provision in any other of the component parts, the figured dimensions and sizes specified are to take precedence over scale measurements, or should any part of the work, materials or apparatus be demensioned or sized differently on different drawings or different parts of the same drawings, the larger or heavier sizes shall take precedence unless otherwise directed or corrected by the engineer.

THIRD - The unit prices agreed to in this contract will remain in effect until the work covered under this contract is completed.

FOURTH - This contract is executed in duplicate.

FIFTH - It is further stipulated that not less than the general prevailing rate of wages as ascertained by the City of Fort Wayne or the Indiana Department of Labor shall be paid to all workmen performing work on this contract.

SIXTH - It is further stipulated that Contractor shall pay all lawful claims or indebtedness which may accrue, by operation of law and otherwise, to any persons, firm or corporation on account of any labor or service performed or material furnished or service rendered, in the carrying forward, performing, and completing of said contract including Subcontractors, laborers, materialmen, and those performing service on account of or directly in connection with the completion of said contract.

SEVENTH - It is further stipulated that any judgment rendered against the City of Fort Wayne or any official thereof, in any suits for damages for injury to real or personal property, or for any injury, sustained by any person growing out of any act or doing of Contractor, or its agents, employees or workmen and that any judgment of any court or award of any Board of Arbitratiors or of the State Industrial Board of the State of Indiana rendered against the City of Fort Wayne in any suit or claim arising under said Workmen's Compensation Acts, of the State of Indiana, now in force, relating to compensation for accidental injuries or death suffered by his employees or the employees of any Subcontractor or Subcontractors in the course of their employment, when notice of the pendency of such suit, hearing or arbitration shall have been given said Contractor, shall be conclusive against Contractor as to amount, liability and all other things pertaining thereto; it being the intent of the parties hereto that Contractor indemnify and hold harmless City in the premises.

EIGHTH - The Contractor further agrees to be bounded by Section 15-13 (as amended), of the Code of the City of Fort Wayne, Indiana of 1974, passed by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-34-78 (as amended) on December 12th, 1978, a copy of which Section is attached, and incorporated herein and made a part hereof. (NE/1 -NE/3).

NINTH - The Contractor shall furnish a Performance Bond in a form acceptable to the City of Fort Wayne for the full value of the work.

BILL NO. G-78-10-41 (as amended)

GENERAL ORDINANCE NO. G-34-78 (as amended)

AN ORDINANCE amending Chapter 15 of the Code of the City of Fort Wayne, Indiana of 1974.

BE IT ENACTED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Section 15-13 "Employment under Municipal Contract," Article III, Chapter 15 of the Code of the City of Fort Wayne, Indiana of 1974 is amended to be and read as follows, to wit:

"Sec. 15-13 Same - Under Municipal Contract.

15-13-1 Definitions. As used in this Section, the following words have these meanings:

a. The terms "Discriminates," "discriminating," "discriminatory" mean and include:

(1) to promote segregation or separation in any manner, to treat any person differently, or to exclude from or fail or refuse to extend to any person equal opportunities with respect to hiring, termination, compensation, or other terms, conditions or privileges of employment, because of the race, religion, sex, color, national origin or handicap of any such person;

(2) also, to fail to make reasonable accommodation to the known physical or mental limitations of an otherwise qualified handicapped employee;

(3) also, to fail to make reasonable accommodation to the religious observance or practice of any employee or prospective employee unless the employer can demonstrate that the accommodation would impose an undue hardship on the conduct of the employer's business;

(4) also, to make, print or publish, or cause to be made, printed or published any notice, statement, or advertisement with respect to employment that indicates a preference, limitation, specification or discrimination based on race, sex, religion, color, national origin or handicap;

(5) the following practices are not included in the meaning of "discrimination":

(a) for any not-for-profit association, incorporated or otherwise, organized exclusively for fraternal or religious purposes, to devote its resources to its own religion or denomination, or to give employment preference to its own members,

(b) for any not-for-profit association, incorporated or otherwise, established for the purpose of offering or providing education, training or other social services and benefits to handicapped persons, to devote its resources to such handicapped persons with respect to such education, training or social services and benefits.

b. The term "handicap" means and includes:

(1) any physical or mental impairment which substantially limits one or more of a person's major life activities; or

(2) a record of such an impairment, and includes,

(3) a person who is regarded as having such an impairment; provided that,

(4) this term does not include drug or alcohol abuse or addiction.

c. The term "obstruct" means and includes the actions of any person knowingly obstructing the fair and lawful enforcement of this Article of this Chapter by coercing or intimidating any complainant or prospective complainant, or any witness to any act of discrimination as defined herein, after such person has received actual notice of a discrimination charge or has been served notice of a complaint filed.

d. The term "retaliate" means and includes the actions of any person in discriminating against any other person with regard to, or denying any other person access to or opportunities in employment, because any such other person has opposed any practice made unlawful by this Article of this Chapter, or because such other person has made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under this Article of this Chapter.

15-13-2 Mandatory Covenants. Every contract for or on behalf of the City of Fort Wayne for the construction, alteration or repair of any public building or public work or the performance of any other work or service shall contain provisions by which the contractor agrees, as follows:

a. That in the performance of work under such contract or any subcontract thereunder, the contractor, subcontractor, nor any person acting on behalf of such contractor or subcontractor, will not discriminate against any person who is qualified and available to perform the work to which the employment relates.

b. That such contractor, subcontractor, nor any person acting on behalf of such contractor or subcontractor will not obstruct the enforcement of this Article of this Chapter.

c. That such contractor, subcontractor, nor any person acting on behalf of such contractor or subcontractor will not retaliate against any person.

15-13-3 Enforcement. Enforcement of this Article of this Chapter shall be through order of the Board of Public Works, in the following manner:

a. Whenever any member of the Board of Public Works, or whenever the Affirmative Action Officer who is assigned to help watch over public contracts has reason to believe that any of the provisions hereof have been violated, the matter may be referred to the Metropolitan Human Relations Commission for investigation and initiation of discrimination charges against the contractor or subcontractor. Cases over which the Commission has no jurisdiction shall be investigated by said Affirmative Action Officer.

b. A final order of the Metropolitan Human Relations Commission shall be forwarded to the Board of Public Works, which may invoke one of the remedies set forth in Sub Section 15-13-4 hereof. If it is a matter over which the Metropolitan Human Relations Commission has no jurisdiction, the Board of Public Works shall conduct a hearing to determine whether there has been a breach of this Article of this Chapter. In so doing, the Board may call upon the Commission for consultation.

15-13-4 Remedies. Upon finding that a contractor or sub-contractor or any person acting on behalf of such contractor or subcontractor has violated a provision or provisions of this Article of this Chapter, whether discriminating, obstructing, retaliating, or otherwise, the Board of Works may:

a. Deduct from the amount payable to the contractor by the City of Fort Wayne under such contract a penalty of no less than ten dollars ($10.00) per day, per violation, nor more than one thousand dollars ($1,000.00) per day, per violation. Each day on which a continuing violation exists, shall be deemed a separate offense; or,

b. The Board of Works may cancel or terminate the contract, and all money due or to become due thereunder may be forfeited, for a second or any subsequent violation of this article of this Chapter.

SECTION 2. That Chapter 15, Article III, of the Code of the City of Fort Wayne, Indiana of 1974 is further amened by adding thereto a new section 15-13A, which shall be and read as follows, to wit:

"Sec. 15-13A. A verbatim copy of Sec. 15-13 may be attached as an exhibit to and incorporated in and made a part of any contract made by or on behalf of the City of Fort Wayne, Indiana for any public work; which shall constitute compliance with Sec. 15-13-2."

During the performance of this contract, the contractor agrees as follows:

(1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.

(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

(3) The contractor will send to each labor union or representativ of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representatives of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuan thereto, and will permit access to his books, records, and accounts by the administering agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulation and orders.

(6) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts or federall

assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(7) The contractor will include the portion of the sentence immediately preceding paragraph (1) and the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sactions for noncompliance: PROVIDED, HOWEVER, That in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the administering agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

STREET BARRICADE MAINTENANCE INFORMATION

Listed below are the names and telephone numbers of the persons responsible for the maintenance of the barricades necessary for the duration of this contract.

NAME	TELEPHONE NUMBER
Curtis Banes	(219) 486-3348

T & F Construction Corp. of Indiana
Contractor

Resolution No. 138-79

IN FAITH WHEREOF, Witness the hands and seals of both parties on the day and year in this agreement first above written.

APPROVED:

MAYOR

Sandra E. Kennedy
ATTEST: Clerk

BOARD OF PUBLIC WORKS

CONTRACTOR:

T & F Construction Corp. of Indiana

BY: R. H. Grader
R. H. Grader

Vice President

BY: V. L. Miller
Secretary V. L. Miller

Approved in Form & Legality
By:

CONTRACTOR'S BOND FOR CONSTRUCTION

KNOW ALL MEN BY THESE PRESENTS, That T & F Construction Corporation

of P. O. Box #27, Hagerstown, Indiana 47346 as principal and

Fidelity and Deposit Company of Maryland

as surety, are firmly bound unto The City of Fort Wayne, Indiana

in the penal sum of ($ 10,628.00) Ten thousand six hundred twenty eight and 00/100---------- Dollars,

for the payment of which, well and truly to be made, we bind ourselves, jointly and severally, and our joint and several heirs, executors, administrators and assigns, firmly by these presents, this 26th day of February 19 80.

THE CONDITIONS OF THE ABOVE OBLIGATION ARE SUCH, That, Whereas The City of Fort Wayne, Indiana

has entered into a certain written contract dated February 26, 1980

with the principal as named herein for the erection, construction and completion of Schaper Drive - Contract #138-79 Street Lighting situated in Fort Wayne, Indiana, in accordance with the plans and specifications approved and adopted by said City of Fort Wayne, Indiana which are made a part of this bond.

NOW THEREFORE, if the said T & F Construction Corporation shall well and faithfully do and perform the same in all respects according to the plans and specifications adopted by the said City of Fort Wayne and according to the time, terms and conditions specified in said contract and in accordance with all requirements of law, and shall promptly pay all debts incurred by him or any subcontractor in the prosecution of said work, including labor, service and materials furnished, then this obligation shall be void; otherwise to remain in full force, virtue and effect.

IN WITNESS WHEREOF, we hereunto set our hands and seals this 26th day of February 19 80

T & F Construction Corporation (Seal)

BY: R. H. Grader (Seal)
P. H. Grader Vice President

By: Janet L. Turner
Janet L. Turner Attorney-in-fact
Fidelity and Deposit Company of Maryland

Approved this day of 19 .

Official or Board.

Attest:

(Note: See Burns Section 53-202)

Power of Attorney

FIDELITY AND DEPOSIT COMPANY OF MARYLAND

HOME OFFICE: BALTIMORE, MD.

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, by C. M. PECOT, JR. , Vice-President, and C. W. ROBBINS , Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Company, which reads as follows:

SEC. 2. The President, or any Executive Vice-President, or any of the Senior Vice-Presidents or Vice-Presidents specially authorized so to do by the Board of Directors or by the Executive Committee, shall have power, by and with the concurrence of the Secretary or any one of the Assistant Secretaries, to appoint Resident Vice-Presidents, Assistant Vice-Presidents and Attorneys-in-Fact as the business of the Company may require, or to authorize any person or persons to execute on behalf of the Company any bonds, undertakings, recognizances, stipulations, policies, contracts, agreements, deeds, and releases and assignments of judgments, decrees, mortgages and instruments in the nature of mortgages, and also all other instruments and documents which the business of the Company may require, and to affix the seal of the Company thereto.

does hereby nominate, constitute and appoint Jerry J. Dils, Robert W. Robbins, Russell L. Turner, Lynwell L. Case, Gregory K. Dils, Earl L. Chamness, Dorothy Jean Ellis, Janet L. Turner and David N. Matherly, all of Richmond, Indiana, EACH.....

its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: any and all bonds and undertakings, each in a penalty not to exceed the sum of TWO HUNDRED THOUSAND DOLLARS ($200,000).....

And the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Company, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore, Md., in their own proper persons. This power of attorney revokes that issued on behalf of Jerry J. Dils, etal, dated, October 25, 1978.

The said Assistant Secretary does hereby certify that the aforegoing is a true copy of Article VI, Section 2, of the By-Laws of said Company, and is now in force.

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seal of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 26th day of November, A.D. 1979.

FIDELITY AND DEPOSIT COMPANY OF MARYLAND

ATTEST:

C W Robbins
Assistant Secretary

By C M Pecot
Vice-President

STATE OF MARYLAND } ss:
CITY OF BALTIMORE }

On this 26th day of November, A.D. 19 79, before the subscriber, a Notary Public of the State of Maryland, in and for the City of Baltimore, duly commissioned and qualified, came the above-named Vice-President and Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself deposeth and saith, that they are the said officers of the Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and that the said Corporate Seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal, at the City of Baltimore, the day and year first above written.

Notary Public Commission Expires July 1, 1982.

CERTIFICATE

I, the undersigned, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the original Power of Attorney of which the foregoing is a full, true and correct copy, is in full force and effect on the date of this certificate; and I do further certify that the Vice-President who executed the said Power of Attorney was one of the additional Vice-Presidents specially authorized by the Board of Directors to appoint any Attorney-in-Fact as provided in Article VI, Section 2 of the By-Laws of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND.

This Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 16th day of July, 1969.

RESOLVED: "That the facsimile or mechanically reproduced signature of any Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed."

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said Company, this 26th day of February, 19 80

Assistant Secretary

L1428Ctf.—1M, 9-79 208873

TITLE OF ORDINANCE SPECIAL ORDINANCE - CONTRACT FOR ST. LGT. RES. NO. 138-79 - SCHAPER DRIVE

DEPARTMENT REQUESTING ORDINANCE BOARD OF PUBLIC WORKS S-80-03-30

SYNOPSIS OF ORDINANCE CONTRACT FOR STREET LIGHT RESOLUTION NO. 138-79, FOR THE INSTALLATION OF STREET LIGHTING WITH UNDERGROUND WIRING ON SCHAPER DRIVE, FROM MAPLE GROVE AVENUE TO WOODSDALE, T & F CONSTRUCTION CORPORATION, CONTRACTOR, IN AMOUNT OF $10,628.00

(CONTRACT ATTACHED)

PRIOR APPROVAL ACQUIRED FEBRUARY 15, 1980, A COPY OF WHICH IS ATTACHED HERETO

EFFECT OF PASSAGE ORNAMENTAL STREET LIGHTS FOR ABOVE-DESCRIBED AREA

EFFECT OF NON-PASSAGE

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) $10,628.00 TO BE PAID FOR BY PROPERTY OWNERS THROUGH BARRETT BONDING

ASSIGNED TO COMMITTEE Public Works

EP

4673

Admn. Appr.

DIGEST SHEET

G-79-11-24

TITLE OF ORDINANCE Street Vacation Ordinance

DEPARTMENT REQUESTING ORDINANCE Long Range Planning & Zoning - CD&P

SYNOPSIS OF ORDINANCE That portion of Bright Street east of Lot 496 in Commercial Addition, lying between Lots 496, 495, 494 & 493 more particularly described and shown on Exhibit "A".

EFFECT OF PASSAGE Property is now public right-of-way. Property will be closed for public use and be returned to adjacent property owners.

EFFECT OF NON-PASSAGE Property will remain open for public right-of-way.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

ASSIGNED TO COMMITTEE (J.N.)

OFFICE OF THE CITY CLERK

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

charles w. westerman, clerk -:- room 122

April 11, 1980

Ms. Virginia Grace
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Grace:

Please give the attached full coverage on the dates of April 16 and April 23, 1980, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Zoning Map Ordinances

Bill No. G-79-11-24
General Ordinance No. G-08-80

Bill No. G-79-11-23
General Ordinance No. G-07-80

Bill No. Z-80-02-32
Zoning Map Ordinance No. Z-14-80

Bill No. Z-80-02-04
Zoning Map Ordinance No. Z-13-80

Bill No. Z-80-02-03
Zoning Map Ordinance No. Z-12-80

Bill No. Z-79-09-06
Zoning Map Ordinance No. Z-11-80

Please send us 20 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely,

Charles W. Westerman

Charles W. Westerman
City Clerk

AN EQUAL OPPORTUNITY EMPLOYER

LEGAL NOTICE

Notice is hereby given that on the 8th day of April, 1980, the Common Council of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. G-79-11-23 -- General Ordinance No. G-07-80, being AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a portion of Johnson Street

Notice is hereby given that on the 8th day of April, 1980, the Common Council of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. Z-80-02-32 --Zoning Map Ordinance No. Z-14-80, being AN ORDINANCE amending the City of Fort Wayne Zoning Map No. K-10

Notice is hereby given that on the 8th day of April, 1980, the Common Council of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. Z-80-02-04 -- Zoning Map Ordinance No. Z-13-80, being AN ORDINANCE amending the City of Fort Wayne Zoning Map No. L-14

Notice is hereby given that on the 8th day of April, 1980, the Common Council of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. Z-80-02-03 -- Zoning Map Ordinance No. Z-12-80, being AN ORDINANCE amending the City of Fort Wayne Zoning Map No. M-7

Notice is hereby given that on the 8th day of April, 1980, the Common Council of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. Z-79-09-06 -- Zoning Map Ordinance No. Z-11-80 being AN ORDINANCE amending the City of Fort Wayne Zoning Map No. R-3
Notice is hereby given that on the 8th day of April, 1989, the Common Council of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. G-79-11-24 -- General Ordinance No. G-08-80, being AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a portion of Bright Street

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana do hereby certify that Bill No. G-79-11-24 -- General Ordinance No. G-08-80; Bill NO. G-79-11-23 -- General Ordinance No. G-07-80; Bill No. Z-80-02-32 - Zoning Map Ordinance No. Z-14-80; Bill No. Z-80-02-04 -- Zoning Map Ordinance No. Z-13-80; Bill No. Z-80-02-03 -- Zoning Map Ordinance No. Z-12-80; and Bill No. Z-79-09-06 -- Zoning Map Ordinance No. Z-11-80, were passed by the Common Council on the 8th day of April, 1980, said Ordinances were signed and approved by the Mayor on the 9th day of April, 1980, and now remains on file and on record in my office.

Copies of Bill No. G-79-11-24 -- General Ordinance No. G-08-80; Bill No. G-79-11-23 -- General Ordinance No. G-07-80; Bill No. Z-80-02-32- Zoning Map Ordinance No. Z-14-80; Bill No. Z-80-02-04 -- Zoning Map Ordinance No. Z-13-80; Bill No. Z-80-02-03 -- Zoning Map Ordinance No. Z-12-80; and Bill No. Z-79-09-06 -- Zoning Map Ordinance No. Z-11-80,will be posted for reading in the following places in Fort Wayne, Allen County, Indiana.

(1) The main floor lobby of the City-County Building

(2) The bulletin board in the lobby of the Downtown Fort Wayne Public Library

(3) The bulletin board in the lobby at the East door of the Allen County Court House

Copies of Bill No. G-79-11-24 -- General Ordinance No. G-08-80; Bill No. G-79-11-23 -- General Ordinance No. G-07-80; Bill No. Z-80-02-32 - Zoning Map Ordinance No. Z-14-80; Bill No. Z-80-02-04 -- Zoning Map Ordinance No. Z-13-80; Bill No. Z-80-02-03 -- Zoning Map Ordinance No. Z-12-80; and Bill No. Z-70-09-06 -- Zoning Map Ordinance No. Z-11-80, will be available for reading in the following places in Fort Wayne, Allen County, Indiana.

(1) Reference Room in the north end of the main floor in said Downtown Public Library

(2) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana, Room 122, City-County Building, Fort Wayne, Indiana

Charles W. Westerman
City Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, fufilled and posted the above ordinances in the designated places as stated on April 17, 1980

Charles W. Westerman
City Clerk

Form Prescribed by State Board of Accounts

General Form No. 99 P (Rev. 1967)

Fort Wayne Common Council

(Governmental Unit)

Allen County, Ind.

To JOURNAL-GAZETTE Dr.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) – number of equivalent lines

Head number of lines

Body number of lines

125

2

127

Notice is hereby given that on the 8th day of April, 1980, the Common Council of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. G-79-11-23— General Ordinance No. G-07-80, being AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a portion of Johnson Street.

Notice is hereby given that on the 8th day of April, 1980, the Common Council of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. Z-80-02-32— Zoning Map Ordinance No. Z-14-80, being AN ORDINANCE amending the City of Fort Wayne Zoning Map No. D-10.

Notice is hereby given that on the 8th day of April, 1980, the Common Council of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. Z-80-02-33— Zoning Map Ordinance No. Z-13-80, being AN ORDINANCE amending the city of Fort Wayne Zoning Map No. L-14.

Notice is hereby given that on the 8th day of April, 1980, the Common Council of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. Z-80-02-34— Zoning Map Ordinance No. Z-12-80, being AN ORDINANCE amending the City of Fort Wayne Zoning Map No. M-7.

Notice is hereby given that on the 8th day of April, 1980, in Common Council of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. Z-79-09-06— Zoning Map Ordinance No. Z-11-80 the following Bill No. Z-79-09-06— Zoning Map Ordinance No. Z-11-80 being AN ORDINANCE amending the City of Fort Wayne Zoning Map No. R-3.

Notice is hereby given that on the 8th day of April, 1980, the Common Council of the City of Fort Wayne, Indiana, in Regular Session did pass the following BBill No. G-79-11-24— General Ordinance No. G-08-80, being AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a portion of Bright Street.

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana do hereby cerrify that Bill No. G-79-11-24 — General Ordinance No. G-08-80; Bill No. G-79-11-23 — General Ordinance No. G-07-80; Bill No. Z-80-02-32 — Zoning Map Ordinance No. Z-14-80; Bill No. Z-80-02-04 — Zoning Map Ordinance No. Z-13-80, Bill No. Z-80-02-03 — Zoning Map Ordinance No. Z-12-80; and Bill No. Z-79-09-06 — Zoning Map Ordinance No. Z-11-80, were passed by the Common Council on the 8th day of April, 1980, said Ordinances were signed and approved by the Mayor on the 9th day of April, 1980, and now remains on file and on record in my office.

Copies of Bill No. G-79-11-24— General Ordinance No. G-08-80; Bill No. G-79-11-23 — General Ordinance No. G-07-80; Bill No. Z-80-02-32— Zoning Map Ordinance No. Z-14-80; Bill No. Z-80-02-04 — Zoning Map Ordinance No. Z-13-80; Bill No. Z-80-02-03 — Zoning Map Ordinance No. Z-12-80; and Bill No. Z-79-09-06 — Zoning Map Ordinance No. Z-11-80, will be posted for reading in tie following places in Fort Wayne, Allen County, Indiana.

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Copies of Bill No. G-79-11-24— General Ordinance No. G-08-80; Bill No. G-79-11-23 — General Ordinance No. G-07-80; Bill No. Z-80-02-32— Zoning Map Ordinance No. Z-14-80; Bill No. Z-80-02-04 — Zoning Map Ordinance No. Z-13-80; Bill No. Z-80-02-03 — Zoning Map Ordinance No. Z-12-80; and Bill No. Z-79-09-06 — Zoning Map Ordinance No. Z-11-80, will be available for reading in the following places in Fort Wayne, Allen County, Indiana.

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(2) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana, Room 122, City-County Building, Fort Wayne, Indiana.

Charles W. Westerman
City Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, hereby certify that the above ordinances in the designated places as stated on April 17, 1980.

Charles W. Westerman
City Clerk.

4/17-24

1 columns wide equals 127 equivalent lines at .253¢ $ 32.13

line

otices containing rule or tabular work (50 per cent of above amount)

of publication (50 cents for each proof in excess of two) 18 extra 9.00

OUNT OF CLAIM $ 41.13

nn 9.6 picas Size of type 6 point

2 Size of quad upon which type is cast 6

es of Ch. 89., Acts 1967.

I h has count is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same

Da Title CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the JOURNAL-GAZETTE a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA town in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times, the dates of publication being as follows:

4/17 - 4/24/80

Arvilla DeWald

Subscribed and sworn to before me this 24 th day of April 19 80

Notary Public

My commission expires September 28, 1983

Form Prescribed by State Board of Accounts

General Form No. 99 P (Rev. 1967)

Fort Wayne Common Council
(Governmental Unit)

To JOURNAL-GAZETTE Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display	Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) – number of equivalent lines	
Head	number of lines	
Body	number of lines	125
Tail	number of lines	2
	Total number of lines in notice	127

COMPUTION OF CHARGES

127 lines,	1 cents per line	columns wide equals 127	equivalent lines at .253¢		$ 32.13
Additional charge for notices containing rule or tabular work (50 per cent of above amount)					
Charge for extra proofs of publication (50 cents for each proof in excess of two)				18 extra	9.00
TOTAL AMOUNT OF CLAIM.					$ 41.13

DATA FOR COMPUTING COST

Width of single column 9.6 picas

Size of type 6 point

Number of insertions 2

Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89, Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Arvilla DeWald

Date Apr.24, 19 80

Title CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the JOURNAL-GAZETTE a DAILY newspaper of general circulation printed and published in the English language in the city town of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times, the dates of publication being as follows:

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Fort Wayne Common Council

(Governmental Unit)

Allen County, Ind.

To NEWS-SENTINEL Dr.

FORT WAYNE, INDIANA

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TOTAL AMOUNT OF CLAIM. $ 41.13

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Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

D. Roose

Date Apr.24, 19 80

Title CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and srate, the D. Roose who, being duly sworn, says CLERK of the ..... newspaper of general circulation printed and published FORT WAYNE, INDIANA that the printed matter attached hereto is a true copy, for two times, the dates of publication being 4/80

24 th day of April 19 80

Notary Public

ber 28, 1983

Notice is hereby given that on the 8th day of April, 1980, the Common Council of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. G-79-11-22— Generai Ordinance No. G-07-80, being AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a portion of Johnson Street.

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le following Bill No. Z-80-02-04— Zoning Map Ordinance No. Z-13-80, being AN ORDINANCE amending the City of Fort Wayne Zoning Map No. L-14.

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Notice is hereby given that on the 8th day of April, 1980, in Common Council at the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. Z-79-09-06— Zoning Map Ordinance No. Z-11-80 the following Bill No. Z-79-09-06— Zoning Map Ordinance No. Z-11-80 being "AN ORDINANCE amending the City of Fort Wayne Zoning Map No. R-2.

Notice is hereby given that on the 8th day of April, 1980, the Common Council of the City of Fort Wayne, Indiana, in Regular Session did pass the following bBill No. G-79-11-24— General Ordinance No. G-08-80, being AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a portion of Bright Street.

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Charles W. Westerman
City Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above ordinances in the designated places as stated on April 17, 1980.

Charles W. Westerman
City Clerk

4/17-24

Form 093

Form Prescribed by State Board of Accounts

General Form No. 99 P(Rev. 1967)

Fort Wayne Common Council

(Governmental Unit)

Allen County, Ind.

To NEWS-SENTINEL Dr.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

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Body number of lines		125
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127 lines, 1 cents per line ... columns wide equals 127 ... equivalent lines at .253¢ ... $ 32.13

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TOTAL AMOUNT OF CLAIM. $ 41.13

DATA FOR COMPUTING COST

Width of single column 9.6 picas ... Size of type 6 point

Number of insertions 2 ... Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

D Roose

Date Apr.24, 19 80 ... Title CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned D. Roose who, being duly sworn, says that she is CLERK of the NEWS-SENTINEL a DAILY newspaper of general circulation printed and published in the English language in the city town of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times, the dates of publication being as follows: 4/17 - 4/24/80

D Roose

Subscribed and sworn to before me this 24 th day of April 19 80

Notary Public

My commission expires September 28, 1983

Stahl, Carl G. and Janet Schultz.
Schenk, Gerald E. and Cheryl Ballman.
Vail, Kevin W. and Janet Pfeiffer.
Walkel, Loydd V. and Robin Boucher.
Watkins, Anderson Jr. and Georgianna Easley.

BOYS

Arnett, John J. and Vickie Gamble, Paulding, O.
Eastom, Michael R. and Mary Rietdorf.
Gruss, David P. and Donna Moeller, Yoder.
Judge, Richard L. and Kimberly Sweet.
Kuhn, Dale L. and Madonna Webb.
Lee, Jeffrey K. and Lisa Worthman.
Rubalcada, Raul and Mary Laguna.
Smith, Stanley E. and Sarah Herron.
Vodde, James R. and Debra Baumgardner.